

BOARD OF SELECTMEN

Minutes of the Meeting of 1 February 2006 at 7:00 PM. The meeting took place in the Court Room, Town and County Building, Nantucket, MA 02554. Members of the Board present were Douglas Bennett, Brian Chadwick, Michael Glowacki, Bruce Watts and Whiting Willauer. Chairman Glowacki called the meeting to order at 7:15 PM following a meeting of the County Commissioners.

Announcements. Mr. Watts announced his decision to not seek re-election to the Board of Selectmen and thanked the people of Nantucket, Town staff, and the Board for their support and work.

Public Comment. None.

Approval of Minutes of 25 January 2006 at 7:00 PM. The Board approved the minutes by unanimous consent.

Approval of Payroll Warrant for Week Ending 29 January 2006. The Board approved the payroll warrant by unanimous consent.

Approval of Pending Contracts for Week Ending 1 February 2006. The Board approved the pending contracts by unanimous consent.

Citizen/Departmental Requests.

1. Adult Community Day Care: Request for Acceptance of Donation. Mr. Watts moved to accept the gift of \$1,000 from Glidden & Glidden, Attorneys at Law on behalf of the family of Anne Lanman and to send a letter of thanks. Mr. Bennett seconded. So voted unanimously.

2. Resignation: Finance Committee. Mr. Watts moved to accept the resignation of Jenny Garneau and to send a letter of thanks for her service. Mr. Chadwick seconded. So voted unanimously.

3. Traffic Safety Advisory Committee: Recommendations. The Board reviewed the recommendations in turn. Mr. Watts moved to accept the recommendation to relocate parking along the south side of Nobadeer Avenue between Harriet and Adams Streets to the north side by moving the "no parking this side" signage from the north side of this segment of Nobadeer Avenue to the south side of the roadway. Mr. Chadwick seconded. So voted unanimously.

Mr. Watts moved to accept the recommendation to install a streetlight on utility pole # 6 along Nobadeer Farm Road at the intersection of Sun Island Road. Mr. Chadwick seconded. So voted unanimously.

TSAC Chairman Jack Gardner provided background on the third request to the Board. Discussion followed on the number of parking spots involved and whether neighbors had been able to provide any input. Fire Chief Pierce spoke in support of the request and Police Chief Pittman noted danger of forcing cars off the sidewalk onto road, which would effectively create "a one-lane road." TSAC member Arthur Gasbarro shared photos of the parking situation. Discussion followed on the "vacuum" of public input for items before the TSAC. Mr. Watts moved to accept the recommendation to remove the existing on-street parking along the northeast side of Cliff Road

between 13 Cliff Road and 35 Cliff Road to improve emergency response access and to provide an unobstructed sidewalk for pedestrians. Mr. Chadwick seconded. So voted with Mr. Chadwick, Mr. Watts and Mr. Willauer voting in favor. Mr. Bennett was opposed.

4. Citizen Request for Waiver of Building Department Penalty Fee. Robert H. Sarvis appealed to the Board for a return of the fees paid as penalty for the work without a permit for the premises located at 21 Vesper Lane, noting technicalities he felt negated reason for the penalty, including the fact that "his car broke down." Town Administrator Libby Gibson advised the Board of the Building Inspector's and Town Counsel's support of the imposition of the fee. Mr. Bennett inquired as to the "unconstitutionality of the code" as described by Mr. Sarvis, which he answered. Building Inspector Bernie Bartlett clarified code instructions and noted clarity of the fees and schedule. Mr. Sarvis noted his opposition and Mr. Bartlett answered. Mr. Chadwick moved to deny the request to waive the penalty fee. Mr. Bennett seconded. Mr. Watts abstained from voting. The motion carried with Mr. Chadwick, Mr. Bennett and Mr. Willauer voting in favor.

Town Administrator's Report.

1. Request for Acceptance of Deed for Property on Western Avenue. Ms. Gibson provided background regarding the release of the private property owner's claim of adverse possession and noted subsequent actions required. She recommended acceptance of the deed as a gift (according to Town Counsel.) Mr. Watts moved to so accept the deed for the property on 51 Western Avenue. Mr. Chadwick seconded. So voted unanimously.

2. State Aid. Ms. Gibson advised the Board of a request for a letter of support from the Town of Kingston to support the governor's proposal to remove the current cap on the lottery distribution to municipalities. The Board consented to allow the Town Administrator to provide the letter as requested.

3. Surfside WWTP Prequalifications Committee. Ms. Gibson noted MGL requirement of pre-qualification committee for the building project and recommended Chief Operator Eric Schultz, DPW Director Jeff Willett, Projects Administrator Diane O'Neil, and Tom Parece of Earth Tech to make up that committee. Mr. Bennett moved to approve the committee of named representatives. Mr. Chadwick seconded. So voted unanimously.

4. Waste Options Update. Ms. Gibson gave an update of the Town's response to the December 2, 2005 letter sent by WON indicating their intent to seek arbitration on a number of issues. She noted follow-up responses have occurred, that WON had indicated a willingness to meet with the Town prior to filing for arbitration, and that WON has today advised of so filing. She noted the Town's request that WON put in writing any proposals they have to resolve issues prior to any meeting and that action to take regarding the arbitration is to be determined.

5. Continued Review of Preliminary Draft 2006 Annual Town Meeting Warrant (continued from January 25, 2006, January 18, 2006 and January 11, 2006). Ms. Gibson reviewed new and changed items since the presentation of the previous draft. There was a brief discussion on neighborhood input to be provided to the Board for the "Zoning Map Change: Pine Valley" article

and on the distinction to be made between the Town and citizen articles related to the sewer district. Ms. Gibson noted that the Board may want to review and consider a subsequent Town Meeting for the "Home Rule Petition: Sewer Act" and then reviewed next steps in the warrant finalization process.

Selectmen's Reports/Comment.

1. Action on Home Rule Petition Re-submissions for 2006 Annual Town Meeting. Mr. Chadwick spoke on the limitation of motor vehicles item, noting no reason for this article to continue and proposed dropping this one as well as the one on speed limits. He also asked about a Land Bank first time homebuyer's exemption involving covenant homes (as approved at the 2004 ATM). Mr. Chadwick moved to remove from the draft warrant the "Home Rule Petition: Limitations on Motor Vehicles" and the "Home Rule Petition: Speed Limits on Nantucket" and to accept the remaining Home Rule Petition articles as therein presented. Mr. Watts seconded. Discussion followed on stagnation in the legislature, knowledge of original sponsors, and the Town Clerk's preference for including these. The motion carried with Mr. Chadwick, Mr. Glowacki and Mr. Watts voting in favor of the motion to remove the two home rule petitions. Mr. Bennett and Mr. Willauer were opposed.

Mr. Chadwick moved to remove the Parks & Recreation Commission article on "Establishment of Permanent Recreation Revolving Fund" from the warrant. Mr. Bennett seconded. Discussion followed on the public's resistance to paying for beach parking. So voted unanimously.

Mr. Watts moved to approve the articles for a \$.50/hour increase to the "Schedule E---Seasonal Employee Compensation Schedule" and for a 2% increase to "Schedule M—Compensation Schedule for Elected Officials." Mr. Chadwick seconded. So voted unanimously.

2. Action on Adoption of Committee Review Action Plan. Mr. Chadwick shared status of inquiry packets to be provided to the committees, noting plan to bring before the Board a request for advisory committee to address responses received so determinations, if any, may be made prior to spring committee appointments. Discussion followed on importance of getting qualified people to apply and on the purpose of the review.

3. Update on Land Matter. Mr. Chadwick provided an update to the Board of the press release provided by Town Counsel regarding the Town and County filing of a "motion to intervene in the adjudicatory appeal filed by Great Harbor Yacht Club regarding the location of the high water mark for DEP waterways regulatory jurisdiction." He noted the "interest in protecting public lands."

At 8:32 PM, Chairman Glowacki polled the Board and Mr. Bennett, Mr. Chadwick, Mr. Watts and Mr. Willauer and Chairman Glowacki voted unanimously to adjourn to Executive Session not to return to open session for the purpose of reviewing non-union contract negotiations.

Approved the 8th day of February 2006.